

IN THE DISTRICT COURT OF THE UNITED STATES
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA)	Criminal No: 4:17-CR-865-RBH
)	
VS.)	
)	
JIM TRACY MILLER)	
)	

MOTION FOR DOWNWARD DEPARTURE

The United States respectfully moves pursuant to § 5K1.1 of the advisory United States Sentencing Guidelines that this Honorable Court depart downward from the applicable guidelines range regarding the Defendant, and in support of such motion, states as follows:

1. On April 12, 2018, pursuant to a written plea agreement, the Defendant entered a guilty plea to counts one and two of the pending indictment, both are violations of 18 U.S.C. § 1951. Pursuant to the plea agreement, provided the Defendant cooperates and his cooperation is deemed by the Government as providing substantial assistance in the investigation or prosecution of another person, the Government agreed to move the Court for a downward departure or reduction of sentence pursuant to § 5K1.1 or Federal Rule of Criminal Procedure 35(b). ¹
2. Pursuant to this provision, at the sentencing hearing scheduled for September 20, 2018, the Government will move for a downward departure pursuant to § 5K1.1.
3. Retired SA Todd Richards FBI concurs with this motion and supports its filing.

¹ This plea agreement also contains a provision under Fed. R. Crim. P. 11(c)(1)(C), where the parties agree the appropriate sentence, prior to any motion for downward departure pursuant to 5K1.1, is 360 months incarceration. This plea agreement along with all other plea agreements were discussed extensively with the victim EB's family. The victim's family indicated they did not have an objection to Millers' or any of his co-defendants' plea agreements or this motion.

4. SAUSA and Chief Deputy Solicitor of Horry County, Scott Hixon, concurs with this motion and supports its filing.

The Government will provide additional details regarding the basis for this motion at the sentencing hearing.

Respectfully submitted,

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September 17, 2018